

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company, Mattoon :
Township, Coles County, the City of Mattoon, and :
the State of Illinois, Department of Transportation. :
:
Stipulated Agreement regarding improving public :
safety at the Township Road (TR) 14A, TR 139, :
County Highway (CH) 13, and TR 151 highway-rail :
grade crossings of the Illinois Central Railroad : T04-0012
Company's tracks located near Mattoon, and the :
43rd Street highway-rail grade crossing of the Illinois :
Central Railroad Company's track located in :
Mattoon, Coles County, Illinois, designated as :
crossings AAR/DOT 292 943N, milepost 114.60-B, :
AAR/DOT 292 944V, milepost 115.30-B, AAR/DOT :
292 945C, milepost 115.80-B, AAR/DOT 292 948X, :
milepost 117.00-B, AAR/DOT 292 949E, milepost :
117.10-B, respectively. :

SECOND SUPPLEMENTAL ORDER

By the Commission:

On March 3, 2004, the Illinois Commerce Commission entered its original Order in the above captioned matter. The Illinois Central Railroad Company ("COMPANY") was required and directed to, among other things, install automatic flashing light signals and gates controlled by constant warning time circuitry, install a new 32 foot full-depth timber crossing surface, and improve the south highway approach grade at the County Highway 13 (CH 13) highway-rail grade crossing (**AAR/DOT #292 945C, railroad milepost 115.80**) of the Company's track located west of Mattoon, Coles County, Illinois. The original Order contained a division of cost among the parties, and all work was to be completed on or before March 5, 2005.

On April 12, 2004, the Illinois Commerce Commission entered an Amendatory Order correcting errors in Stipulated Agreement 1041, which was appended to the original Order.

On January 21, 2005, the Company filed a Supplemental Petition requesting an extension of time, to and including September 5, 2005, which was granted.

On April 8, 2005, the Company filed a second Supplemental Petition with the Commission seeking relief for additional costs, in the amount of \$76,326, associated with safety improvements at the CH 13 crossing. The Company claims that due to

unanticipated problems with the original design, the Company had to complete new drawings and new estimates for signals, structures and drainage pipes at the grade crossing of County Highway 13 at the Company tracks. The revised estimate increases the cost of the improvements by \$76,326, and the Company requests that the additional cost be divided in the same proportions as the original estimates; 85% to be paid by the Fund, 10% to be paid by the County, and 5% to be paid by the Company. The Company is therefore requesting additional assistance from the Grade Crossing Protection Fund and the County.

Staff investigation of the matter indicates that Coles County is in agreement with the necessary changes at the crossing, and is willing to help pay a portion of the increased cost for completion of the safety improvements.

The Commission, having given due consideration to the Supplemental Petition, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this 2nd Supplemental Order, are supported by investigation by Commission Staff and are hereby adopted as findings of fact;
- (3) The Company's request for additional funds, is fair and reasonable and should be granted;
- (4) The additional costs required to complete the improvements at CH 13, estimated to be \$76,326, shall be divided among the Grade Crossing Protection Fund, the Illinois Central Railroad Company and Coles County in the same proportions as the original Order, as shown in the attached Exhibit A: Cost Division Table (Revised 05/04/05);
- (5) All other terms and conditions of the Supplemental Order, dated February 24, 2005, and the original Order dated March 5, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that additional costs for safety improvements at the CH 13 crossing, estimated to be \$76,326, shall be divided among the Grade Crossing Protection Fund, the Illinois Central Railroad Company and Coles County, as shown in the attached Exhibit A: Cost Division Table (Revised 05/04/05).

IT IS FURTHER ORDERED that all other terms and conditions of the Supplemental Order, dated February 24, 2005, and the original Order, dated March 3, 2004, are hereby affirmed and shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to the Administrative Review Law.

By Order of the Commission this 2nd day of June, 2005.

Handwritten signature of Edward C. Husley, with a small '2' at the end of the signature.

Chairman

JUDGE
SECTION CHIEF MES
ORDERS SUPERVISOR

2ND SUPPLEMENTAL ORDER

COST DIVISION TABLE

ROADWAY	ITEM	GCPF	ICRR	IDOT	COLES COUNTY	MATTOON TOWNSHIP	CITY OF MATTOON	TOTALS
TR 14A	Close Crossing	\$ -	\$ 5,212	\$ -	\$ -	\$ -	\$ -	\$ 5,212
TR 139	Install New Crossing Surface	\$ -	\$ 34,320	\$ -	\$ -	\$ -	\$ -	\$ 34,320
	Install New Automatic Flashing Light Signals and Gates	\$ 117,658	\$ 6,193	\$ -	\$ -	\$ -	\$ -	\$ 123,850
CH 13	Install New Crossing Surface	\$ -	\$ 32,841	\$ -	\$ -	\$ -	\$ -	\$ 32,841
	Install New Automatic Flashing Light Signals and Gates	\$ 171,323	\$ 10,078	\$ -	\$ 20,156	\$ -	\$ -	\$ 201,556
	Repair South Highway Approach	\$ -	\$ -	\$ -	100%	\$ -	\$ -	Unknown
TR 151	Close Crossing	\$ -	\$ 4,712	\$ -	\$ -	\$ -	\$ -	\$ 4,712
	Construct Connecting Road	\$ 136,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 136,000
43rd Street	Install New Crossing Surface	\$ -	\$ 35,820	\$ -	\$ -	\$ -	\$ -	\$ 35,820
	Install New Automatic Flashing Light Signals and Gates	\$ 120,479	\$ 6,341	\$ -	\$ -	\$ -	\$ -	\$ 126,820
	Repair North Highway Approach	\$ -	\$ -	\$ -	\$ -	100%	\$ -	Unknown
	TOTALS	\$ 545,460	\$ 135,516	\$ -	\$ 20,156	Unknown	\$ -	\$ 701,131

GCPF = Grade Crossing Protection Fund

ICRR = Illinois Central Railroad Company

IDOT = Illinois Department of Transportation

Notes:

¹ GCPF assistance for the installation of new automatic warning devices not to exceed \$409,460² GCPF assistance for construction of a new connecting road not to exceed \$136,000.³ ICRR responsible for all remaining installation costs, as well as all future operating and maintenance costs, for the TR 139 and 43rd street crossings;

ICRR responsible for 100% of the cost to install new crossing surfaces at the TR 139, CH 13, and 43rd Street crossings, as well as all future maintenance costs;

ICRR responsible for 100% of the costs to close, abolish, and barricade the TR 14A and TR 151 grade crossings;

ICRR responsible for the remainder of the installation costs, after payment from the GCPF and Coles County, for new automatic warning devices at the CH 13 crossing, as well as all future operating and maintenance costs.

⁴ Coles County responsible for 10% of the cost to install new automatic warning devices at CH 13, not to exceed \$20,156;

Coles County responsible for 100% of the cost to repair the south highway approach grade at the CH 13 crossing.

⁵ Mattoon Township responsible for 100% of the cost to repair the north highway approach grade at the 43rd Street crossing.